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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KEATON, SHERROD L

ART UNIT	PAPER NUMBER
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2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/786,752	Applicant(s) BALES ET AL.	
	Examiner sherrod keaton	Art Unit 2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/16/07, 2/15/07, 12/22/06, 12/15/06, 11/14/06, 8/18/06, 7/7/06, 3/20/06, 2/10/06, 1/26/06, 3/16/05, 2/7/05, 1/4/05, 10/20/04, 9/8/04.

DETAILED ACTION

This action is in response to the original filing of February 25, 2004. Claims 1-64 are pending and have been considered below:

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 17, 32, 38 and 64 are provisionally rejected on the ground of nonstatutory double patenting over claims 7, 24, 40, 57, and 68 of copending

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Application No. 10786742. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. Claim 64 claims a data signal embodied in a transmission medium. A data signal in a transmission medium does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of

matter).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 8, 9, 12-18, 24, 27-33, 39, 40, 43-49, 55, 56, 59-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Anuff et al. (US 2002/0029296 A1).

Claims 1, 32 and 48: Anuff discloses an interactive tool, method and machine

readable medium for configuring a portal, comprising:

- a.) a first user interface operable to define and/or manage the portal (Page 1, Paragraph 6);
- b.) a second user interface operable to define and/or manage entitlements for at least one portal resource (Page 1, Paragraph 7);

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c.) wherein the portal can include at least one of the following portal resources: a desktop, a book, a page, a portlet, a shell, a look and feel, and a layout (Page 1, Column 7), (Page 4, Paragraph 66); and

d.) wherein the first user interface includes a context-sensitive editor (Page 4, Column 63-64).

Claims 2, 33, and 49: Anuff discloses an interactive tool, method and machine readable medium for configuring a portal as in claims 1, 32, and 48 above and further discloses that at least one user interface operable to define and/or manage one of: a desktop, a book, a page, a portlet, a shell, a theme, a menu, a look and feel, and a layout (Page 1, Column 7), (Page 4, Paragraph 66).

Claims 8, 39, and 55: Anuff discloses an interactive tool, method and machine readable medium for configuring a portal as in claims 1, 32, and 48 above and further discloses an entitlement determines what capabilities are available to a portal visitor for the at least one resources (Page 5, Paragraph 76).

Claims 9, 40, and 56: Anuff discloses an interactive tool, method and machine readable medium for configuring a portal as in claims 1, 32, and 48 above and further discloses that the entitlement is based on a user role (Page 2 and 3, Paragraph 26).

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Claims 12, 43, and 59: Anuff discloses an interactive tool, method and machine readable medium for configuring a portal as in claims 1, 32, and 48 above and further discloses that a portlet can dynamically present content (Page 2, Paragraph 26), (Page 3, Paragraph 51).

Claims 13, 44, and 60: Anuff discloses an interactive tool, method and machine readable medium for configuring a portal as in claims 1, 32, and 48 above and further discloses a fourth user interface operable to define and/or manage personalization of the portal (Page 3, Paragraph 51), (Page 4, Paragraph 56).

Claims 14, 45, and 61: Anuff discloses an interactive tool, method and machine readable medium for configuring a portal as in claim 13 above and further discloses that the fourth user interface is operable to define and/or manage a content placeholder (Pages 4 and 5, Paragraph 55, 65-72).

Claims 15, 46, and 62: Anuff discloses an interactive tool, method and machine readable medium for configuring a portal as in claim 13 above and further discloses that the fourth user interface is operable to define and/or manage a content selector (Page 4, Paragraph 56).

Claims 16, 47, and 63: Anuff discloses an interactive tool, method and machine readable medium for configuring a portal as in claims 1, 32, and 48 above and further discloses that a fifth user interface operable to define and/or manage delegated administration (Page 5, Paragraph 73-79).

Claim 17: Anuff discloses an interactive tool for configuring a portal, comprising:

- a.) a first user interface operable to define and/or manage the portal (Page 1, Paragraph 6);
- b.) a second user interface operable to define and/or manage entitlements for at least one portal resource (Page 1, Paragraph 7);
- c.) wherein the portal can include at least one of the following portal resources: a desktop, a book, a page, a portlet, a shell, a look and feel, and a layout (Page 1, Column 7), (Page 4, Paragraph 66); and
- d.) wherein an entitlement determines what capabilities are available to a portal visitor for the at least one resources (Page 5, Paragraph 76);
- e.) wherein the first user interface includes a context-sensitive editor (Page 4, Column 63-64).

Claim 18: Anuff discloses an interactive tool for configuring a portal as in claim 17 above and further discloses that at least one user interface operable to define and/or manage one of: a desktop, a book, a page, a portlet, a shell, a theme, a menu, a look and feel, and a layout (Page 1, Column 7), (Page 4, Paragraph 66).

Claim 24: Anuff discloses an interactive tool for configuring a portal as in claim 17 above and further discloses that the entitlement is based on a user role (Page 2 and 3, Paragraph 26).

Claim 27: Anuff discloses an interactive tool for configuring a portal as in claim 17 above and further discloses that a portlet can dynamically present content (Page 2, Paragraph 26), (Page 3, Paragraph 51).

Claim 28: Anuff discloses an interactive tool for configuring a portal as in claim 17 above and further discloses a fourth user interface operable to define and/or manage personalization of the portal (Page 3, Paragraph 51), (Page 4, Paragraph 56).

Claim 29: Anuff discloses an interactive tool for configuring a portal as in claim 28 above and further discloses that the fourth user interface is operable to define and/or manage a content placeholder (Pages 4 and 5, Paragraph 55, 65-72).

Claim 30: Anuff discloses an interactive tool for configuring a portal as in claim 28 above and further discloses that the fourth user interface is operable to define and/or manage a content selector (Page 4, Paragraph 56).

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Claim 31: Anuff discloses an interactive tool for configuring a portal as in claim 17

above and further discloses that a fifth user interface operable to define and/or manage delegated administration (Page 5, Paragraph 73-79).

Claim 64: Anuff discloses a computer data signal embodied in a transmission medium comprising:

- a.) a code segment including instructions to provide a first user interface operable to define and/or manage the portal (Page 1, Paragraph 6);
- b.) a code segment including instructions to provide a second user interface operable to define and/or manage entitlements for at least one portal resource (Page 1, Paragraph 7); and
- c.) wherein the portal can include at least one of the following portal resources: a desktop, a book, a page, a portlet, a shell, a look and feel, and a layout (Page 1, Column 7), (Page 4, Paragraph 66).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 3-5, 10, 19-21, 25, 34-36, 41, 50-52, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anuff et al. (US 2002/0029296 A1) in view of Sollenberger et al. (US 2002/0152279 A1).

Claims 3, 34, and 50: Anuff discloses an interactive tool, method, and a computer readable medium as in the interactive tool of claims 1, 32 and 48 above but does not specifically disclose a desktop that can be defined based on a template. However Sollenberger discloses a personalized intranet portal and further discloses a desktop application (Page 1, Paragraph 5). Therefore, it would have been obvious to one having ordinary in the art at the time of the invention to include a template for the desktop application with the already existing templates of Anuff. One would have been motivated to have a desktop based on a template to give novel users some guidance thereby improving the user-friendliness.

Claims 4,35, and 51: Anuff discloses an interactive tool, method, and a computer readable medium as in the interactive tool of claims 1, 32 and 48 above but does not disclose a desktop is a user-specific view of a portal. Sollenberger discloses that the user can customize sections of the intranet portal (abstract and Figures showing "My Portal"). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Anuff to allow the user to customize sections of the intranet portal. One would have been motivated to allow the user to customize sections of the

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intranet portal in order for the portal to correspond to the users particular needs and requirements.

Claims 5, 36, and 52: Anuff discloses an interactive tool, method, and a computer readable medium as in the interactive tool of claims 1, 32 and 48 above but does not specifically disclose providing a third user interface operable to define and/or manage a desktop; and wherein the third user interface can render a preview of the desktop.

However Sollenberger discloses a personalized intranet portal and further discloses designing a desktop as defined by the user and previewing the display (Page 5, Paragraph 42-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to provide an interface for defining the desktop and for previewing in Anuff. One would have been motivated to include the interface because a user may need to see if the layout selected accommodates the space allotted.

Claims 10,41, and 57: Anuff discloses the interactive tool of claims 1, 32 and 48 above, and further discloses wherein content is part of a virtual content repository (VCR) (paragraph 0024) [A collection of web pages that relate to a common topic and re interlinked with one another may form a web site], but does not disclose a third user interface operable to define and/or manage content. Sollenberger discloses the user adding, removing or rearranging modules in that section. (Abstract, lines 8-10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

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of the invention for Anuff to permit the user adding, removing or rearranging modules.

One would have been motivated to permit the user adding, removing or rearranging modules in order to customize the portal.

Claim 19: Anuff discloses an interactive tool, as in the interactive tool of claim 17 above but does not disclose a desktop that can be defined based on a template. However Sollenberger discloses a personalized intranet portal and further discloses a desktop application (Page 1, Paragraph 5). Therefore, it would have been obvious to one having ordinary in the art at the time of the invention to include a template for the desktop application with the already existing templates of Anuff. One would have been motivated to have a desktop based on a template to give novel users some guidance thereby improving the user-friendliness.

Claim 20: Anuff discloses an interactive tool, as in the interactive tool of claim 17 above but does not disclose a desktop is a user-specific view of a portal. Sollenberger discloses that the user can customize sections of the intranet portal (abstract and Figures showing "My Portal"). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Anuff to allow the user to customize sections of the intranet portal. One would have been motivated to allow the user to customize sections of the intranet portal in order for the portal to correspond to the users particular needs and requirements.

Claim 21: Anuff discloses an interactive tool, as in the interactive tool of claim 17 above but does not specifically disclose providing a third user interface operable to define and/or manage a desktop; and wherein the third user interface can render a preview of the desktop. However Sollenberger discloses a personalized intranet portal and further discloses designing a desktop as defined by the user and previewing the display (Page 5, Paragraph 42-44). Therefore, it would have been obvious to one having ordinary in the art at the time of the invention to provide an interface for defining the desktop and for previewing in Anuff. One would have been motivated to include the interface because a user may need to see if the layout selected accommodates the space allotted.

Claim 25: Anuff discloses the interactive tool as in claim 17 above, and further discloses wherein content is part of a virtual content repository (VCR) (paragraph 0024) [A collection of web pages that relate to a common topic and re interlinked with one another may form a web site], but does not disclose a third user interface operable to define and/or manage content. Sollenberger discloses the user adding, removing or rearranging modules in that section. (Abstract, lines 8-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Anuff to permit the user adding, removing or rearranging modules. One would have been motivated to permit the user adding, removing or rearranging modules in order to customize the portal.

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8. Claims 6,7,11,22, 23, 26, 37, 38, 42, 53, 54, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anuff (US 2002/0029296 A1) in view of Parker (The Complete Idiots Guide to Microsoft FrontPage 2000).

Claims 6,7,37,38,53, and 54: Anuff discloses the interactive tool of claims 1, 32 and 48 but does not disclose that the interface includes a hierarchy browser and that the portal can be depicted graphically as a hierarchy of the at least one portal resources. However, Parker discloses the FrontPage application window with webpage resources displayed in a hierarchical manner (page 7, figure). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Anuff to depict the webpage (portal) graphically with the application window showing the webpage resources in a hierarchical manner. One would have been motivated to depict the webpage (portal) graphically with the application window showing the webpage resources in a hierarchical manner to be able to view and manipulate the resources at different levels of abstraction.

Claims 11,42, and 58: Anuff discloses the interactive tool of claim 10 above but does not disclose that the third user interface allows a user to modify the VCR by dragging and dropping graphical objects representing VCR nodes. Parker discloses the drag and drop operation (page 52, "Try Drag and Drop"). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Anuff to support drag and drop of objects to modify the VCR. One would have been motivated

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to support drag and drop of objects to modify the VCR because this is a common method in the computer arts field for adding members to a collection.

Claims 22 and 23: Anuff discloses the interactive tool of claims 17 above but does not disclose that the interface includes a hierarchy browser and that the portal can be depicted graphically as a hierarchy of the at least one portal resources. However, Parker discloses the FrontPage application window with webpage resources displayed in a hierarchical manner (page 7, figure). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Anuff to depict the webpage (portal) graphically with the application window showing the webpage resources in a hierarchical manner. One would have been motivated to depict the webpage (portal) graphically with the application window showing the webpage resources in a hierarchical manner to be able to view and manipulate the resources at different levels of abstraction.

Claim 26: Anuff discloses the interactive tool of claim 25 wherein: the third user interface allows a user to modify the VCR by dragging and dropping graphical objects representing VCR nodes. Parker discloses the drag and drop operation (page 52, "Try Drag and Drop"). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Anuff to support drag and drop of objects to modify the VCR. One would have been motivated to support drag and drop of objects

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to modify the VCR because this is a common method in the computer arts field for adding members to a collection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a.) Samid (US 2002/0135617 A1) Proactive Desktop Portal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES MYHRE can be reached on 571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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SLK
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